

VOLUME TWO

IN THE RECORDER'S COURT OF CHATHAM COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)	CITY DOCKET NUMBER:
)	
vs.)	89-09-163
)	
TROY A. DAVIS,)	CHARGE: MURDER
)	
Defendant)	
)	

Proceedings in the Recorder's Court of Chatham County, Georgia, on the 8th day of September, 1989, before the Honorable Lionel E. Drew, Jr., Judge, reported by Edmund W. Ruchalski, Certified Court Reporter, B-538.

APPEARANCES OF COUNSEL:

For the State: SPENCER LAWTON, ESQUIRE
Chatham County Courthouse
Savannah, Georgia

For the Defendant: ROBERT E. FALLIGANT, JR., ESQUIRE
23 East Charlton Street
Savannah, Georgia

Edmund W. Ruchalski
Certified Court Reporter

Telephone
(912) 234-4068

121 West 36th Street
Savannah,

Res. Ex. No. 8

Case No. 4:09-CV-00130

1 MR. LAWTON: May we proceed?

2 THE COURT: Yes, sir.

3 DIRECT EXAMINATION OF SYLVESTER COLES BY MR. LAWTON:

4 Q. Mr. Coles, will you state your name, please?

5 A. Sylvester N. Coles.

6 Q. And you're going to have to speak up loud enough for those
7 microphones over there to pick it up if you will, okay?

8 And how old are you?

9 A. 24.

10 Q. Do you have a nickname?

11 A. Red.

12 Q. Red?

13 A. Right.

14 Q. Okay, how long had -- you know Troy Davis, don't you?

15 A. Yeah.

16 Q. How long have you known him?

17 A. Right about eight years, something like that.

18 Q. You know him from -- how do you know him?

19 A. From coming to this art house in Yamacraw.

20 Q. Let me ask you to direct your attention to the early
21 morning hours of Saturday, the 19th of August. That would
22 be a little after midnight between 12:30 and 1:00 let's say.

23 Do you recall where you were then?

24 A. Down to the pool room.

25 Q. Is that the pool room that's by the Time Saver?

1 A. By the Time Saver and Charlie Brown's Pool Room.
2 Q. Okay, on Oglethorpe?
3 A. Oglethorpe.
4 Q. Near the foot of the Talmadge Bridge, right?
5 A. Right.
6 Q. And did anything unusual happen there that evening?
7 A. Me and this guy got into an argument.
8 Q. You and what guy, what was that guy doing?
9 A. He was coming from the Time Saver store, going to -- leav-
10 ing out the parking lot. We got into an argument about
11 some beer.
12 Q. Just relax, that's all okay. So he was -- whose beer was
13 it you were arguing over?
14 A. His.
15 Q. His beer?
16 A. Right.
17 Q. Were you all trading unfriendly language back and forth?
18 A. Back and forth, yes.
19 Q. And did you follow him?
20 A. Followed him up Oglethorpe.
21 Q. He kept walking?
22 A. Kept walking.
23 Q. You kept following him?
24 A. Kept following him up Oglethorpe.
25 Q. You all sniping at each other the whole time?

1 A. All the way up to Burger King.
2 Q. Did anybody else follow him up there that you knew?
3 A. Troy and Didi was behind me.
4 Q. Okay, Troy, meaning who, Troy who, Troy Davis?
5 A. Troy Davis.
6 Q. And who is Didi?
7 A. Didi is a guy lives in Cloverdale too. I don't know Didi.
8 Q. You don't know his - - -
9 THE COURT: Excuse me, Mr. Coles, you're going to have to speak
10 up a little bit, please. I have to hear you and the Court
11 Reporter has to hear you.
12 Q. Do you know Didi's last name?
13 A. No.
14 Q. How did - - did Troy follow behind you?
15 A. Him and Didi was behind me.
16 Q. Did they walk up Oglethorpe?
17 A. No, they went through the bank side, through the bank drive-
18 through.
19 Q. How did they get to the bank, how would they have had to
20 get there, did they go out to Oglethorpe?
21 A. Well they went up Oglethorpe, cut through the bank side,
22 the drive-through.
23 Q. So they went up to Fahm Street by way of the drive-through
24 area at the Trust Company bank there, is that right?
25 A. Right, through the bank drive-through.

1 Q. And when you got -- when you were following the fellow
2 with the beer, and when you all got up to the Burger King
3 parking lot, what happened?

4 A. Okay, we got up to the parking lot. Me and the guy was
5 still arguing, and then -- -

6 Q. Did he walk across the parking lot?

7 A. Well, he walked across through the parking lot, close --
8 close by the drive-in window, not quite to the drive-in
9 window. Okay, then Troy came from 'round and hit him with
10 -- hit him on the right-hand side.

11 Q. Okay now, let's take it step at a time if you will. When
12 he got up to the drive-through lane there in the parking
13 lot, right?

14 A. Right.

15 Q. Next to the Burger King. And when he got up there did he
16 stop?

17 A. Yeah.

18 Q. When he stopped were you and he still arguing?

19 A. Yeah, we was still arguing.

20 Q. Okay, was he looking at you to be arguing?

21 A. Yeah, he was facing to me.

22 Q. And you all just trading insults and -- -.

23 A. Right.

24 Q. And then where was Troy at that time?

25 A. As me and the guy was arguing he came around the blind side, front

1 - - okay, came 'round like by the drive-in side.

2 Q. So that would be from your - - -

3 A. On my left.

4 Q. So that would be on the right side of the guy that you were
5 arguing with, is that right?

6 A. Right.

7 Q. You said something about Didi going up there too. Do you
8 know where he was?

9 A. He was somewhere in the back all I can remember.

10 Q. Somewhere in the back you say?

11 A. He was somewhere in the back all I can remember.

12 Q. What was the guy with the beer, who or what was he looking
13 at when he got hit?

14 A. Me and him was facing each other.

15 Q. Did you make any gesture towards him or any - - did you do
16 anything special that would draw his attention?

17 A. No, we just was standing there arguing.

18 Q. And he was looking at you when he got hit?

19 A. Right.

20 Q. And who hit him?

21 A. Troy.

22 Q. Do you know what he got hit with, fist or an object?

23 A. With a pistol.

24 Q. Do you know what the pistol looked like?

25 A. A good .38, small snub-nose like, like snub-nose .38.

1 Q. What color?

2 A. Black, brown handle.

3 Q. Had you seen him with that gun before?

4 A. I seen the print earlier at the pool room.

5 Q. You seen the print?

6 A. Gun, in his waist earlier in the pool room.

7 Q. You had not seen the gun itself?

8 A. No, I seen the gun print, like the butt of the gun stuck
9 out.

10 Q. Okay, when the guy with the beer got hit, what did he do?

11 A. The guy with the beer, he ---

12 Q. The guy you were arguing with.

13 A. He went to the Burger King drive through-window and yelled in
14 the window for help.

15 Q. What did you do?

16 A. I turned to run, both of us turned -- both of us had turned
17 and run.

18 Q. Which general direction were you running in?

19 A. Towards the bank side.

20 Q. Were you aiming more or less for the bank or were you head-
21 ing towards home?

22 A. I was heading for the bank towards the drive-through side.

23 Q. Do you know where Troy went when he started running?

24 A. Towards Oglethorpe side.

25 Q. As you all took off running in each of your's direction,

1 what, if anything, happened next?

2 A. Then the police came out and say, "Hold it."

3 Q. Okay, where did the police come from?

4 A. Came from out the Burger King.

5 Q. When you say out of the Burger King, you mean out of the
6 door, out of the window, out of the back of it, out of the
7 front of it?

8 A. Okay, when he came out he said, "Hold it," he was already
9 out, I don't know whether he came exactly out of the door
10 from around the side.

11 Q. So you don't know how he got into the parking lot?

12 A. Right.

13 Q. You're just saying he came into the parking lot from the
14 Burger King side?

15 A. By the parking lot.

16 Q. Is that right?

17 A. Right.

18 Q. When he got into the parking lot you say he said - - -

19 A. Said, "Hold it."

20 Q. And did you?

21 A. Yeah, that's when I turned around and I stopped.

22 Q. And what happened then?

23 A. Okay, then he came - - came ran - - ran past me on my right
24 side. That's when I heard - - after he ran past me on my
25 right side, that's when I heard the first gunshot. And I

1 turned and I ran through the bank.

2 Q. In which direction was he running?

3 A. Running towards Oglethorpe side.

4 Q. Was there anybody else over in that same direction that he
5 was running?

6 A. That's the side Troy ran to.

7 Q. You're saying he got past you then and you heard a shot?

8 A. I heard one shot. Then when I heard the first shot I
9 turned and ran 'cross Fahm through the bank drive-through,
10 and as I was running like through the bank drive-through I
11 heard two more shots.

12 Q. Do you know where Didi was during all this?

13 A. Didi was gone, pretty sure Didi was -- I didn't see Didi.

14 Q. Did you ever see Didi again after Troy Davis hit the man
15 with the beer?

16 A. No, uh-uh, no.

17 Q. You didn't see him running, you don't know where he went,
18 is that right?

19 A. I don't remember seeing him after that.

20 Q. How did the police find you, how did they know to talk to
21 you?

22 A. I went to Mr. Calhoun and he took me down.

23 Q. Mr. Calhoun is a lawyer, is that right?

24 A. Right.

25 Q. And he took you down to the police station?

1 A. Right.

2 Q. So you came forward voluntarily, is that right?

3 A. Right.

4 Q. What were you wearing that night, do you remember?

5 A. A yellow Turtle T-shirt, some blue shorts.

6 Q. Were you wearing a hat?

7 A. No, sir.

8 Q. Do you remember what Troy Davis was wearing?

9 A. No, sir.

10 MR. LAWTON: That's all I have.

11 CROSS EXAMINATION OF SYLVESTER COLES BY MR. FALLIGANT:

12 Q. Mr. Coles, where do you work?

13 A. I don't work no more, I used to work for Fleur Daniels.

14 Q. Beg your pardon.

15 A. I used to work to Fleur Daniels.

16 Q. Fleur Downs?

17 A. Fleur Daniels.

18 Q. Fleur Daniels?

19 A. Right.

20 Q. What is it, a construction company?

21 A. Construction company.

22 Q. Where do you live?

23 A. I live at 607-B Gwinnett Street, Frazier Homes.

24 Q. With whom do you live?

25 A. My mother.

1 Q. Does she support you?

2 A. Yeah.

3 Q. Why did you happen to be at Charlie Brown's pool hall that
4 night?

5 A. 'Cause I go down there and shoot pool.

6 Q. Every night?

7 A. Most of the time.

8 Q. What time did you go down there that evening?

9 A. About 8:00 o'clock.

10 Q. How did you go?

11 A. Caught a ride down there.

12 Q. You know with whom you caught a ride?

13 A. I don't remember exactly.

14 Q. Did you have anything to drink while you were there?

15 A. Everybody was drinking beer.

16 Q. How much beer did you drink?

17 A. Probably about four, five beers, something like that.

18 Q. Did you buy them from Mr. Brown's establishment?

19 A. No, from Harold's Package Shop right on the same -- same
20 road there.

21 Q. Did you have anything else to drink before you got there?

22 A. No.

23 Q. How tall are you, by the way?

24 A. 5-11, something like that.

25 Q. 5-7?

1 A. 5-11, something like that.

2 Q. How much do you weigh?

3 A. 140-145.

4 Q. With whom were you shooting pool that night?

5 A. Different people.

6 Q. Could you name some of them?

7 A. Okay, I remember shooting pool with the guy who run the
8 pool store. That's a guy named Paul.

9 Q. He works for Mr. Brown?

10 A. Right.

11 Q. Who else?

12 A. Guy named Jeff, I shot pool with him. And different other
13 people who just come in the pool room.

14 Q. You had on a yellow turtle neck shirt?

15 A. Yellow -- yellow T-shirt with "Turtle" written across it.

16 Q. Oh, what type of turtle, was that a Ninja turtle?

17 A. Turtle Record Store.

18 Q. Oh, Turtle Record Store, that's what you had?

19 A. (Nods head affirmatively)

20 Q. And you had on a pair of shorts?

21 A. Blue Duck Head shorts.

22 Q. Blue Duck Head shorts?

23 A. Right.

24 Q. When was the first time you saw Troy Davis that evening?

25 A. About an hour and twenty -- hour and a half before all

1 that happened.

2 Q. Are you and Troy Davis friends, or did you consider your-
3 self to be friends?

4 A. Yeah, we knew each other.

5 Q. You knew each other from him coming into Yamacraw Village
6 and lives with his aunt?

7 A. Well, know each other for a while, just seen each other off
8 and on.

9 Q. When he came - - I gather he came in Charlie Brown's Pool
10 Hall that night, that's the first time you saw him that day.

11 A. That day, yeah.

12 Q. And did he come alone or with someone else?

13 A. No, it was some more guys.

14 Q. All right, how about Eric Ellison, was Eric Ellison with
15 him?

16 A. I don't know him.

17 Q. How about Darrell Collins, did you ever see him that night?

18 A. I don't know him either.

19 Q. Now, did you shoot - - I'm sorry, you started to say some-
20 thing?

21 A. I was saying the guys that I know he was with was Didi and
22 Jeff. The other guys I don't know them by names.

23 Q. What is Jeff's last name, is it Jeff Sapp?

24 A. No, Samms (phonetic).

25 Q. Samms?

1 A. Right.

2 Q. Was he with him when he came in?

3 A. Yeah, all of them came in together.

4 Q. Didi, Jeff Samms, and Troy Davis together?

5 A. And some other guys.

6 Q. And some other guys?

7 A. Right.

8 Q. Did you see if they came in a car?

9 A. Came in a brown T-bird, if I'm not mistaken.

10 Q. Brown Thunderbird?

11 A. Yeah, Thunderbird.

12 Q. What model, was it an old or a new one?

13 A. 'Bout a '78 something like that,

14 Q. You know whose car that was?

15 A. No.

16 Q. Now, did you and Troy talk that evening before you went
17 outside, when you saw Mr. Young who testified previously.

18 A. No, everybody was up there, you know, just standing up. I
19 was in the pool room shooting pool. I came outside and me
20 and the guy got into the argument.

21 Q. Now, when you and the guy got into the argument, when was
22 the first time that you saw him? I gather he was standing
23 outside the pool room.

24 A. No, he was coming from the store.

25 Q. All right, and he was coming from the store. Tell me about

1 the argument, how did it start?

2 A. He was coming 'cross the parking lot and we started arguing

3 over a beer.

4 Q. All right.

5 A. I started messing with him about the beer.

6 Q. You started messing with him about beer?

7 A. Right, right.

8 Q. Why did you start messing with him about beer?

9 A. That's a good question, I don't know.

10 Q. Did you know this man?

11 A. No.

12 Q. You'd never seen him before?

13 A. No.

14 Q. What did you say to him, what's the first thing you said to

15 him?

16 A. Say something 'bout give me a -- give me -- give me a

17 beer, something like that.

18 Q. What did he say?

19 A. I can't remember, but -- I don't exactly remember.

20 Q. Did he stop or did he keep going walking?

21 A. He was walking and talking.

22 Q. Now, he kept on walking towards the bus station on Ogle-

23 thorpe, right?

24 A. Right.

25 Q. So you weren't content to leave it with that, you had to

1 follow him?

2 A. Right.

3 Q. You pursued him and continued to talk to him, is that right?

4 A. Right.

5 Q. Did you curse him?

6 A. Cursed each other.

7 Q. Were you mad with him?

8 A. No.

9 Q. But you followed him?

10 A. I just was following him.

11 Q. You just were following him?

12 A. Right.

13 Q. All right, and as you followed him across Fahm Street you
14 looked back, and at that point you could see Troy and Didi,
15 is that right?

16 A. Yeah, they was behind me as we was walking up before we got
17 to Fahm Street.

18 Q. They were behind you?

19 A. Yes,

20 Q. Let me show you a little diagram that we've got here of the
21 parking lot, to see if we can reconstruct this a little
22 better. You were walking down Oglethorpe Street here in
23 the direction of the bus station, or the Burger King, and
24 the man with the package of beer under his arm, you were
25 following him, is that right?

1 A. Okay, we was following him up Oglethorpe across Fahm.

2 Q. Okay now, tell me when was the first time that you were
3 aware that Troy Davis and Didi were behind you.

4 A. When I was 'bout -- probably 'bout by the bank.

5 Q. By the bank, all right, on the corner of the bank or fur-
6 ther back?

7 A. Further back.

8 Q. Further back?

9 A. Right.

10 Q. Before you had reached the corner which is the intersection
11 of Fahm and Oglethorpe?

12 A. Right.

13 Q. Where did you see them?

14 A. Like, okay, you've got the drive -- when you turn off
15 Oglethorpe to turn into the bank, I was like crossing,
16 getting on the sidewalk.

17 Q. You turn off Oglethorpe to get into the bank. You're talk-
18 ing about back here in the back lot?

19 A. Right.

20 Q. Okay, where did you see them?

21 A. They was coming -- they was by the fence back by Charlie
22 Brown's.

23 Q. That's the fence that separates Charlie Brown's from the
24 bank parking lot, right?

25 A. Right.

1 Q. There's a hole in that fence, isn't it?

2 A. Right.

3 Q. Did you see them come under the hole?

4 A. No, they came 'round the fence.

5 Q. They came around the fence?

6 A. Right.

7 Q. Now, did they come over toward you, did they walk toward
8 you?

9 A. No, they went like - - like go to the bank drive-through.

10 Q. This would be the drive-through?

11 A. This the bank?

12 Q. Right.

13 A. Okay, came through the drive-in.

14 Q. You continued on into the parking lot pursuing the man with
15 the beer, is that right?

16 A. Right.

17 Q. You said that he walked up here, and at that point that's
18 when you basically caught up with him?

19 A. Okay.

20 Q. Is that what happened?

21 A. That's, okay, somewhere up in this area here.

22 Q. All right, you're indicating the corner of the drive-through,
23 okay?

24 A. Right.

25 Q. The exit corner of the drive-through at the Burger King.

1 All right, somewhere up there you caught up with him?

2 A. Right.

3 Q. Troy and Didi came from this direction, which was the

4 direction of the drive-through - - driveway to the bank, is

5 that correct ?

6 A. Right.

7 Q. And they walked up here to you, is that correct?

8 A. Okay, me and the guy was standing somewhere up in here.

9 Q. Still arguing?

10 A. Right.

11 Q. Exchanging words?

12 A. We was facing each other.

13 Q. And Troy came up and Didi came up?

14 A. Okay, they came from somewhere like - - like on the blind

15 side.

16 Q. On the blind side?

17 A. Right.

18 Q. And you were on what side of the man now?

19 A. I was standing straight in front of him.

20 Q. Straight in front of him, now, was his back towards the

21 Burger King?

22 A. Yeah, where I was standing like this here, the guy was

23 standing in front of me.

24 Q. Which way were you facing, show me on this map which way

25 you were facing?

1 A. I was facing, like facing Burger King, like on an angle of
2 the window.

3 Q. Angle of the drive-in window.

4 A. Something like that.

5 Q. Okay, put a little circle there with your initials in it
6 where you were standing, if you will.

7 A. Somewheres up here.

8 Q. All right, and you were facing towards the window?

9 A. (Nods head affirmatively)

10 Q. All right, put an "X" mark where the man was standing hold-
11 ing the beer.

12 A. He was like in front of me.

13 Q. All right, put the "X" mark where he was.

14 A. Somewhere up in here.

15 Q. Standing on the curb?

16 A. Somewhere up in here, I can't remember exactly.

17 Q. Did you see a young lady, young black lady anywhere around?

18 A. Uh-huh.

19 Q. All right, who else did you see in the lot besides Didi and
20 Troy, you see anybody else?

21 A. I ain't seen nobody else.

22 Q. Now, show me then when Didi and Troy came up, where were
23 they standing in relationship to you?

24 A. Okay, when I was standing in front of the guy, okay, Troy
25 came up from somewhere like, on an angle like this here.

1 Q. You're indicating he's coming around the drive-in?

2 A. I'm saying, okay, he came from over the side and he came up
3 on an angle.

4 Q. Okay, what did he do?

5 A. That's when he hit the guy.

6 Q. All right now, had Troy ever said anything to that guy be-
7 fore he struck him?

8 A. No.

9 Q. Do you know why he struck him?

10 A. No.

11 Q. You know why he followed you up there?

12 A. Nope.

13 Q. Where was Didi standing when he struck him?

14 A. I don't remember seeing Didi.

15 Q. You don't?

16 A. No.

17 Q. You say that he struck him with what you described as a
18 snub-nose .38 brown handled pistol, is that right?

19 A. Right.

20 Q. You said that you saw the outline of that pistol in his
21 shirt in the pool hall earlier that evening?

22 A. Right.

23 Q. Had you ever seen him with a gun before?

24 A. Yeah.

25 Q. Did you see anybody else that night with a gun?

1 A. That night?

2 Q. Uh-huh.

3 A. Earlier that night I had a gun.

4 Q. You had a gun earlier that night, didn't you?

5 A. Yeah.

6 Q. Tell me about your gun.

7 A. Okay, I got -- well, I had a .38 long-barreled chrome
8 plated gun.

9 Q. And you had it at the pool hall, didn't you?

10 A. Right.

11 Q. What were you doing with it at the pool hall?

12 A. Carrying it on me.

13 Q. You carried it for protection, right?

14 A. Right.

15 Q. You carry a gun a lot of times, don't you?

16 A. At times.

17 Q. And you had it stuck in the front of your pants too, didn't
18 you?

19 A. Right.

20 Q. Now, you carried that gun down to the bus station with you,
21 didn't you?

22 A. Nope.

23 Q. What did you do with it when you went down to the bus
24 station.

25 A. All right, okay, when Troy and them got up there, about

1 thirty minutes after they came up there I gave my gun to
2 Jeff.

3 Q. You gave it to Jeff Samms?

4 A. Jeff Samms.

5 Q. Why did you give it to Jeff?

6 A. 'Cause I didn't want to be toting it in my waist.

7 Q. And that's forty minutes before - - -

8 A. Thirty minutes after they came up there.

9 Q. After they came up there?

10 A. Right.

11 Q. You gave it to Jeff Samms because you didn't want to tote
12 it in your waist?

13 A. Right.

14 Q. What did he do with it?

15 A. That's the last I remember seeing it.

16 Q. Have you seen it since?

17 A. Nope.

18 Q. You know where that gun is today?

19 A. Nope.

20 Q. Have you asked Jeff Samms for the gun?

21 A. I asked about it.

22 Q. And it was a .38?

23 A. .38.

24 Q. Have you ever fired that gun before?

25 A. Yeah.

1 Q. You have a license to carry it?

2 A. No.

3 Q. Why did you give it to him, why did you want him to carry
4 it instead of you that night?

5 A. 'Cause I was shooting pool.

6 Q. You couldn't shoot pool with a gun in your belt?

7 A. No, you can't take a gun in Charlie Brown.

8 Q. Oh, that's a no-gun establishment, I gather.

9 A. Right.

10 Q. Well, how did Mr. Davis get in Charlie Brown's with the gun
11 that he had in his belt?

12 A. It's not like he be standing up there watching you, but
13 that's one of his rules he don't want guns in his place.

14 Q. All right, when you saw the gun that he struck Mr. Young
15 with, how did he hold the gun?

16 A. Had it in his hand like this here.

17 Q. And then how did he shove, did he - - -

18 A. He slapped the man side of the head.

19 Q. But you don't know any reason he would have done something
20 like that?

21 A. No.

22 Q. After he struck the man on the side of the head, did he say
23 anything to you or you say anything to him?

24 A. No.

25 Q. What did you all do at that point?

1 A. Like I said, we turned to like run.

2 Q. Turned to like run, and when is the first time that you
3 were aware of the presence of a police officer anywhere in
4 that lot?

5 A. Okay, when he say, "Hold it," I just stopped, I turned back
6 around facing Burger King when he said, "Hold it."

7 Q. Where were you when you heard him say, "Hold it"?

8 A. Somewhere up in here.

9 Q. All right, you said, I believe that you were going to run
10 in the direction of - - -

11 A. Said towards the bank drive-through.

12 Q. Towards the bank drive-through?

13 A. Right.

14 Q. But that's not the direction you came from, you were just
15 going to go back that way.

16 A. I just - - I ran through that way.

17 Q. Troy went in which direction?

18 A. He went towards Oglethorpe side.

19 Q. As you all began to run you heard someone say, "Hold it"?

20 A. Right.

21 Q. You stopped somewhere about mid-point near the parking
22 spaces?

23 A. Close - - not quite to the wall.

24 Q. Put a big circle with your initials in it, just put an
25 "S.C." where you stopped. When you heard the man say "Halt"

1 and you stopped, just put an "S.C." anywhere there.

2 A. Somewhere up in here.

3 Q. That's all right, we know it's not exact. So you stopped,
4 and did you turn at that point and recognize him as a police
5 officer?

6 A. I turned and I seen the police come running.

7 Q. When the police officer was running, which direction was he
8 running?

9 A. Okay, when I turned the police came, ran past me on my
10 right side.

11 Q. He ran past you on your right side, all right now, right
12 side as you were facing the Burger King?

13 A. I was facing Burger King.

14 Q. So he would have passed between you and the Burger King,
15 going in the direction of Oglethorpe and Fahm, is that
16 right?

17 A. Right.

18 Q. From the back of the Grayhound Bus Station?

19 A. Okay, when I turned he was somewhere up in this area, you
20 know, when I turned.

21 Q. He was somewhere up here coming in this direction?

22 A. Right.

23 Q. And where at that point was Troy Davis?

24 A. Only thing I remember when he was going towards Oglethorpe
25 side.

1 Q. Going towards Oglethorpe?

2 A. Right.

3 Q. All right now, as the police officer approached the corner,
4 tell us what took place, the best you can remember.

5 A. Okay, from what I remember, after he passed me on my right
6 side, once he passed me then I heard gunfire. When I heard
7 the gunfire I turned and ran.

8 Q. Did you hear anything before you heard gunfire?

9 A. Nothing but when he'd say "Hold it."

10 Q. Did you hear any click like a misfire?

11 A. I ain't heard all that.

12 Q. You didn't hear all that?

13 A. (Shakes head negatively)

14 Q. When you heard the gunfire could you tell where the gun was
15 fired, what location?

16 A. Like over in this area here, it was on my right side.

17 Q. All right, you're indicating the right side, and this is
18 down where the area - - -

19 A. Oglethorpe side.

20 Q. On Oglethorpe side is where you heard the gunfire?

21 A. Right.

22 Q. Did you see who fired the gun?

23 A. No.

24 Q. Could you tell what kind of gun it was when you heard a
25 gunshot?

1 A. No.

2 Q. Could you distinguish between a .22 and a .38?

3 A. I probably could but right then I, you know, once I heard
4 the gun fire I just ran.

5 Q. And then you continued to run through the bank driveway?

6 A. Right, as I ran -- as I got 'cross Fahm I heard two more
7 shots and I went through.

8 Q. You heard two more shots, were they right after the first
9 shot or was there some delay?

10 A. Okay, after the first shot, like I say, probably by the
11 time I got up in here that's when I heard the other two
12 shots.

13 Q. The first shot, you would have been standing as you indi-
14 cated, right here near the parking places. You hadn't
15 reached the small wall?

16 A. Okay, first of all there's some more parking places up here.

17 Q. I understand that.

18 A. So I was up in like where the other parking spaces at.

19 Q. You were further in the middle of the parking lot?

20 A. I'm saying the police passed me, when he passed me that's
21 when I heard the first shot.

22 Q. Okay.

23 A. I turned and I ran, so when I got 'cross Fahm close to the
24 bank, that's when I heard two more, so I just -- -

25 Q. So you had actually run from somewhere near the middle of

1 the parking lot when the first shot was fired, had already
2 crossed and reached the driveway of the bank when you heard
3 the two second -- two more shots, is that right?

4 A. Wait a minute, say that again.

5 Q. I'm not trying to confuse you. You said that you were here
6 in the parking lot. You paused and the police ran by you,
7 and you heard one shot as he went by you.

8 A. Right.

9 Q. You were still standing in the parking lot of Burger King
10 near the parking spaces that you put your initials on, is
11 this right?

12 A. Right.

13 Q. Okay, that's when you heard the first shot?

14 A. Uh-huh.

15 Q. Then you ran through the parking space, jumped over the
16 wall, across Fahm Street, and went into the driveway. And
17 when you reached the driveway of the bank parking -- of
18 the bank drive-in window you heard two more shots?

19 A. Before I got to the drive -- -

20 Q. Before, how much before?

21 A. I was like 'cross, getting out of Fahm Street, somewhere up
22 in there.

23 Q. All right, getting out of Fahm Street so you had not quite
24 reached the driveway.

25 A. Right.

1 Q. All right, where did you go from that point?

2 A. I ran, there's a fence that divides bank and Charlie Brown,
3 so I cut in the fence. I ran through the fence.

4 Q. Right.

5 A. Past the store, around through Yamacraw and went and sat on
6 my sister porch.

7 Q. Okay now, you did not see Didi at that time?

8 A. No.

9 Q. You didn't go back in Charlie Brown's?

10 A. Uh-uh.

11 Q. You went behind Charlie Brown's?

12 A. Ran past the store, all the way to the other end of the
13 store, 'round the back of the store, through Yamacraw Park,
14 up the 600 block to my sister house.

15 Q. Did you ever see Troy Davis after the last time when you
16 said you caught a glimpse of him out of your eye when you
17 heard "Halt," did you ever see him after that?

18 A. I don't remember.

19 Q. You don't remember?

20 A. Right.

21 Q. All right, you said you went to your sister's house, is
22 that it?

23 A. Right.

24 Q. You sat on her porch?

25 A. (Nods head affirmatively)

1 Q. When did you go see Mr. Calhoun?

2 A. I think it was Saturday -- Saturday or Sunday.

3 Q. Do you remember what Troy Davis had on that night?

4 A. No.

5 Q. You remember what Didi had on?

6 A. Uh-uh.

7 Q. And Mr. Calhoun told you to go down -- he took you to the
8 Police Department?

9 A. Took me down there.

10 Q. Have you given a written statement to the police?

11 A. Yes.

12 Q. They wrote out what you told them?

13 A. Uh-huh.

14 MR. FALLIGANT: I have no further questions.

15 MR. LAWTON: I have just a few if I may.

16 RE-DIRECT EXAMINATION SYLVESTER COLES BY MR. LAWTON:

17 Q. You indicated that you had seen Troy with a gun before?

18 A. Yeah.

19 Q. Where?

20 A. Different times.

21 Q. How many times?

22 A. I don't exactly know.

23 Q. Roughly, I mean, two, two hundred, twenty?

24 A. Right, twice, once or twice.

25 Q. Where had you seen him, do you remember where you saw him

1 with a gun?

2 A. In Yamacraw.

3 Q. People's houses, walking on the streets?

4 A. In the project.

5 Q. I want to clear -- you said you didn't remember -- you
6 were asked whether you ever saw Troy again after you caught
7 him out of the corner of your eye just before you started
8 running and all that, right, and you said you didn't remem-
9 ber. Does that mean you don't remember seeing him or you
10 don't remember whether you saw him or not?

11 A. Talking about in the parking lot?

12 Q. Yes, he just -- he asked you a general did you ever see
13 him again question, and you said you don't remember.

14 A. I thought he meant in the parking lot.

15 Q. Okay, well so when is the last time that you saw him?

16 A. Well, 20, 30 minutes after all that happened he came to my
17 sister house.

18 Q. You didn't see -- so you answered correctly -- I'm just
19 wondering if we're all understanding the question the same
20 way. So the answer is that after you saw him running down
21 towards that Oglethorpe Street corner of the Burger King
22 lot, you never saw him again after that until you saw him
23 over at Yamacraw?

24 A. Until at my sister house.

25 Q. And I want to be sure about this parking space business.

1 When Mr. Falligant was ask -- he asked you to put your
2 initials "S.C." for the place where you stopped, right?

3 A. Uh-huh.

4 Q. Then later on you pointed out - - -

5 A. There's some more parking spaces up in there.

6 Q. - - - to him that there are some more lines on the pavement
7 that aren't drawn into this picture - - -

8 A. Right.

9 Q. - - - is that right?

10 A. Right.

11 Q. And they're more in the middle of the parking lot?

12 A. Uh-huh.

13 Q. And did I understand you to say that - - -

14 A. I was a little closer - - -

15 Q. - - - you were further back into the - - -

16 A. I was a little closer.

17 Q. - - - middle than your initials?

18 A. Right.

19 Q. Is that right?

20 A. Right, I was a little closer to - - -

21 Q. So you were in there where that middle series of stripes,
22 is that correct?

23 A. Right.

24 Q. And that's when you heard the first shot, that's where you

25 - - -

1 A. That's when I heard the first shot.

2 Q. - - - stopped when the officer ordered you to and heard the
3 shot and took off?

4 A. Right.

5 MR. LAWTON: I don't have anything else.

6 RE-CROSS EXAMINATION OF SYLVESTER COLE BY MR. FALLIGANT:

7 Q. So you're saying you were further in the middle of this
8 parking lot?

9 A. I told you there's some more parking spaces out there.

10 Q. I understand that, but you're saying you were further than
11 you indicated when you heard the first shot?

12 A. Right, I was, okay, some more parking spaces up in here.
13 All right, and by the - - like where I put the little line
14 right here.

15 Q. What's your sister's name?

16 A. Valerie Gordon.

17 Q. What's her address?

18 A. 634 Yamacraw.

19 Q. All right, you said that Troy Davis came to her house 20 or
20 30 minutes later?

21 A. Right.

22 Q. Did he know where she lives?

23 A. Yeah.

24 Q. Who did he come with?

25 A. When, that night?

1 Q. Yes.

2 A. By hisself.

3 Q. Why did he come over there?

4 A. He asked me for a shirt.

5 Q. He asked you for his shirt?

6 A. For a shirt like to wear.

7 Q. What kind of shirt did he ask you for?

8 A. I say I don't have nothing but the one I had on, and I gave
9 him that one. I had done took off the shirt that I had on
10 up to Burger King, and I had put on like a pull-over shirt.
11 I gave him the yellow Turtle shirt that I had.

12 Q. You gave him the yellow Turtle shirt that you had on?

13 A. Right.

14 Q. You had switched shirts when you got to your sister's?

15 A. Right.

16 Q. Why did you do that?

17 A. I just took it off 'cause I was up to Burger King for a while.

18 Q. You were afraid somebody was going to identify you by your
19 shirt, weren't you?

20 A. Could be.

21 Q. And you took that off and you gave him your yellow shirt
22 and he put it on.

23 A. He was putting it on as he went 'round the corner.

24 Q. What kind of shirt did he have on?

25 A. He ain't had on nothing when he came to my sister house.

1 Q. So he had no shirt when he got to your sister's, right?

2 A. Right.

3 Q. And you don't remember what color shirt he had on earlier
4 that evening?

5 A. Right.

6 Q. And you gave him the yellow shirt that you had and he put
7 that on and went around the corner?

8 A. Right.

9 Q. How long did he stay at your sister's?

10 A. Didn't stay there, he just asked for a shirt.

11 Q. Did she see him?

12 A. Who?

13 Q. Your sister.

14 A. I don't remember.

15 Q. Where did this exchange take place, on the front porch?

16 A. See I was at the house right next door to her house.

17 Q. Whose house?

18 A. An empty house right next door to her house.

19 Q. By the way, what time was it you said you were in Clover-
20 dale that night?

21 A. I didn't never say I was in Cloverdale, I ain't been in
22 Cloverdale.

23 Q. You weren't in Cloverdale that night?

24 A. No.

25 Q. You're sure?

1 A. Positive.

2 MR. FALLIGANT: Okay, I have no further questions.

3 MR. LAWTON: None here, Your Honor, thank you.

4 THE COURT: All right, let's excuse this witness?

5 MR. LAWTON: Can Mr. Coles be excused?

6 THE COURT: Any objection?

7 MR. FALLIGANT: No.

8 THE COURT: Mr. Coles, you can leave if you want to, go home
9 or wherever.

10 MR. LAWTON: Miss Farrell, if you'll just make yourself as
11 comfortable as possible right in this area here, and you'll
12 need to speak up so that the microphones -- the Court
13 Reporter has a microphone over there, and the machine needs
14 to pick it up. We appreciate your patience. It's been a
15 long afternoon.

16 DIRECT EXAMINATION OF MISS FARRELL BY MR. LAWTON:

17 Q. I'll ask you to state your full name, please, ma'am.

18 A. Dorothy Lee Farrell.

19 MR. LAWTON: Can you hear that?

20 COURT REPORTER: Barely.

21 THE COURT: Just barely, Miss Farrell - - -

22 A. Dorothy Lee Farrell.

23 THE COURT: All right.

24 MR. LAWTON: You want to stand up a little bit closer maybe.

25 MR. FALLIGANT: I'll back up here if you don't want to stand

1 over by me.

2 THE COURT: Don't be intimidating, Mr. Falligant.

3 Q. Okay, and how old are you, Miss Farrell?

4 A. 26.

5 Q. Are you a resident of Savannah?

6 A. Yes, sir.

7 Q. I'll ask you to direct your attention, please, to the early
8 morning hours of Saturday, the 19th of August, about 1:00
9 o'clock in the morning, and ask you whether you can recall
10 where you were about that time.

11 A. I was at the Thunderbird Motel on Oglethorpe.

12 THE COURT: At where?

13 A. The Thunderbird Motel on Oglethorpe.

14 Q. Okay, and were you coming in or going out?

15 A. Coming out.

16 Q. And just describe for me if you will whether there was any
17 occurrence in the Burger King parking lot across the street
18 that attracted your attention.

19 A. Yes, I had -- was -- there was three black males out in
20 the parking lot. A police officer was coming across the
21 parking lot and asked the guys to stop. And one continued
22 to run, one turned around to stop and another one had a
23 gun in his hand and fired at him and shot him. He fell
24 that's when the second guy went towards the bank side and
25 ran. When the officer fell the guy -- -

1 Q. Toward the bank side did you say he ran?

2 A. Yes, sir. And when the police officer fell he continued to
3 shoot him.

4 Q. Okay, let's go through this a little more slowly if you
5 can. You said there were three black males in the parking
6 lot?

7 A. Yes, sir.

8 Q. Did you see any other people standing in the parking lot
9 besides those three?

10 A. Not ~~be~~ standing there.

11 Q. Okay, did you see -- well -- doing anything there?

12 A. No, nothing but it was a van in the parking lot.

13 Q. A van in the parking lot or in the drive through -- -

14 A. In the drive-through area.

15 Q. So you saw those three individuals in the parking lot,
16 right?

17 A. Yes, sir.

18 Q. And you said you saw the policeman come out?

19 A. Yes, sir.

20 Q. Did you know where he came out from, how he got into the
21 parking lot?

22 A. The direction that he came out of I couldn't see where he
23 came from, I just saw him when he crossed the parking lot.

24 Q. Was he walking?

25 A. Yes, sir, pretty good speed.

1 Q. Okay, but he wasn't in a full tilt run?

2 A. He wasn't running, not a full run, I'd say he was walking
3 real fast.

4 Q. And you said you heard him say something, is that right?

5 A. Yes, sir.

6 Q. What did he say?

7 A. He hollered, asked them dudes to stop.

8 Q. Asked them to stop?

9 A. Uh-huh.

10 Q. And then what did each one of them do? Just pick whichever
11 one you want to and say what that person did.

12 A. By names?

13 Q. Well, - - -

14 THE COURT: If you know their names, yes.

15 Q. Do you know their names?

16 A. The one did the shooting, Troy.

17 Q. Okay, you know him?

18 A. Personally no.

19 Q. What did he do?

20 A. He was backing up from the officer and just all of a sudden
21 shot him.

22 Q. Backing up in what direction?

23 A. Away from him, walking backwards.

24 Q. Okay, in terms of the park, was he - - which street was he
25 headed towards?

1 A. Fahm Street.

2 Q. Fahm Street, was he -- do you know the name of the street
3 that's on the back of the bus station?

4 A. No, sir.

5 Q. Was he closer to Oglethorpe Street or was he closer to the
6 Grace House?

7 A. I'd say in the middle.

8 Q. Okay, he was in the middle of the parking lot?

9 A. In the middle from Oglethorpe and Grace House, I'd say be-
10 tween.

11 Q. All right, he was moving across the parking lot, right?

12 A. Yes.

13 Q. And the officer was following him, is that right?

14 A. Yeah, walking towards him.

15 Q. And in what direction was the guy moving across the parking
16 lot?

17 A. When you say guy, the officer or Troy?

18 Q. Well they were both going in the same direction I think you
19 said.

20 A. Yes, sir.

21 Q. In which direction were they headed?

22 A. They -- towards Fahm Street side.

23 Q. Were they going at an angle across the parking lot or just
24 straight across?

25 A. More like at an angle.

1 Q. Would the angle have taken them -- would they have crossed
2 Oglethorpe if they'd stayed on that same angle?

3 A. 'Cross -- no, this Oglethorpe -- no - - -

4 MR. LAWTON: Can you hear her?

5 A. No, they wouldn't have come across - - -

6 MR. LAWTON: May I use your diagram?

7 MR. FALLIGANT: Sure.

8 Q. Here's the drive-through right in there, right - - right?

9 THE COURT: Now, speak up, lady, so we can hear you.

10 A. If that's the drive-through, yes.

11 Q. Okay, we'll say that's the drive-through. Here's Ogle-
12 thorpe, right?

13 A. Yes, sir.

14 Q. Okay, about where were you standing? You said you had come
15 out of the Thunderbird.

16 A. More like on this side of the street.

17 Q. Okay, you were on the Thunderbird side of Oglethorpe, is
18 that right?

19 A. Yes, sir.

20 Q. And that's when you saw the three guys in the parking lot?

21 A. Yes, sir.

22 Q. Where were they, about, the first time that you saw them?

23 A. Okay, when I first seen them they was more like -- okay,
24 one was closer up in this area, and one was right up fur-
25 ther away from him in the area that goes in back like.

1 Q. What did you call this, the back?

2 A. The back, he was further back from the other two dudes.

3 Q. What was the guy who was further back wearing, do you know?

4 A. I can't say.

5 Q. What was the guy who was more up wearing?

6 A. A white T-shirt.

7 Q. Do you remember what this guy was wearing who was over
8 closer to the drive-through?

9 A. No, that's the one that continued to ran.

10 Q. So he never slowed up or anything when the officer came
11 around?

12 A. No, sir.

13 Q. Had he already cleared the parking lot by the time the
14 officer got around -- came out?

15 A. He was more like in the -- still in the parking lot when
16 the officer came, and more like bypassed him, that's when
17 he started, just took off running when the officer say,
18 "Hold it."

19 Q. How about this guy who was, you said farther back than the
20 closest guy, what did he do when the officer said, "Hold it"?

21 A. He more like wanted -- he stopped when the officer said it,
22 right, and that's when Troy fired the first shot and he
23 took off running.

24 Q. Okay, this guy who had -- you said he more or less wanted
25 to stop. Then the shot and then that guy who more or less

wanted to stop took off running, is that right?

2 A. Just took off running.

3 Q. You say you do not remember what he was wearing, is that
4 right?

5 A. No, sir.

6 Q. Now let's focus on the guy you said had on the white shirt,
7 is that right?

8 A. Yes, sir.

9 Q. In what direc - - make your finger move across this thing
10 in the direction that fellow was traveling, moving away

11 A. Hemmore-like, just was walking backwards from the officer.

12 Q. Staying in the vicinity of this corner of the parking lot?

13 A. Yes, sir.

Q. That would be the southwest corner of the parking lot?

15 A. Yes, sir.

16 Q. Okay, and so the fellow with the white T-shirt, tell us
17 what happened. I'm sorry -- he's moving away towards Fahm
18 Street to the back end of that corner. The police officer
19 is following him, and what happened?

20 A. Okay, he shot the police officer. The officer took about
21 a second or two before he fell, and he fell. And that's
22 when he was across that brick wall. He stepped back over it;
23 he continued to shoot the officer.

24 Q. Do you know how many times he shot the officer after the
25 officer fell?

1 A. No, sir, I heard -- it was several shots after he fell.

2 Altogether I'd say approximately three or four shots
3 that was fired.

4 Q. Do you know anything else about what the person in the
5 white T-shirt was wearing, did you notice anything about
6 his clothing other than that?

7 A. No, sir.

8 Q. Did the white T-shirt have any writing on it?

9 A. Yes, sir, it had letters, or a design on it.

10 Q. Letters or a design?

11 A. On the front of it.

12 Q. Do you know -- did it have letters and a design or letters
13 or a design, or do you remember?

14 A. Just something on the front either writing or design.

15 Q. You don't know what it said if it was writing?

16 A. No, sir.

17 Q. Okay, did you hear anybody say anything out there other
18 than when the officer said "Halt," or "Hold it," or what-
19 ever he said?

20 A. No, nothing but different people screaming and hollering
21 saying, "Call the police," things of that nature.

22 Q. What were the lighting conditions like, were you able to
23 see clearly what you were watching, or not so good?

24 A. There was a lot of light out.

25 Q. Okay now, since that moment, later were you shown a series

1 of photographs by the police?

2 A. Yes, sir.

3 Q. Do you remember when that was?

4 A. I don't remember the date, I just remember it was on Tues-
5 day.

6 Q. Okay, it was on Tuesday?

7 A. Yes, sir.

8 Q. Do you know who showed you the photographs?

9 A. Yes, sir.

10 Q. Who was that?

11 A. Detective Ramsey.

12 Q. And where did he show them to you?

13 A. In my mother's living room.

14 Q. Could you remember how many pictures there were?

15 A. Five.

16 Q. What were they pictures of?

17 A. Five black males that all of them somewhat featured -- had
18 features the same, complexion, hair style.

19 Q. Did anybody, when he showed you those pictures did he ask
20 you to tell whether or not you could identify any of those
21 people?

22 A. Yes, sir.

23 Q. Did he or anybody else suggest to you in any way that you
24 ought to identify somebody, or which one you ought to
25 identify?

1 A. No, sir.

2 Q. Were you able to pick somebody out of there?

3 A. Yes, sir.

4 Q. In the photograph that you picked, when you identified that
5 person, what did you remember that person as doing?

6 A. Shooting a police officer.

7 Q. So are you saying then that you got a look at the person's
8 face who shot the police officer?

9 A. Yes, sir.

10 Q. And you later identified that same person in the photo
11 spread?

12 A. Yes, sir.

13 MR. LAWTON: That's all I have.

14 CROSS EXAMINATION OF MISS FARRELL BY MR. FALLIGANT:

15 Q. Miss Farrell, where are you employed?

16 A. I'm not employed.

17 THE COURT: Miss Farrell, speak up a little bit, please, ma'am,
18 it's necessary that I hear you and that this gentleman can
19 hear you.

20 Q. Where do you live in Savannah?

21 A. In Hitch Village.

22 Q. What's your address there?

23 A. 280-B Joel Court.

24 COURT REPORTER: I can't hear her.

25 THE COURT: 280-B which?

1 A. Joel Court.

2 Q. Joe?

3 A. J-o-e-l.

4 Q. You said you were across the street at the Thunderbird
5 Motel that night the shooting took place?

6 A. Yes, sir, uh-huh.

7 Q. What were you doing at the Thunderbird Motel?

8 A. 'Cause I applied for Section 8, and at the time you have to
9 go through Grace House and live five days, and being that I
10 have kids they put you in a motel to stay for five days.

11 Q. So you had a room in the motel?

12 A. Yes, sir.

13 Q. Were your children with you that day?

14 A. Yes, they were.

15 Q. Was your room on the first or second floor of the motel?

16 A. Sec - - upstairs, second floor.

17 Q. Upstairs, second floor?

18 A. Uh-huh.

19 Q. What were you coming out of your room for at that time of
20 night?

21 A. Going to Burger King.

22 Q. To get something to eat?

23 A. Yes, sir.

24 Q. What had you been doing earlier that evening?

25 A. Such as the whole day?

1 Q. Yes, just tell me what your day was before that.

2 A. Same as usual, sit in the motel practically all day on the
3 balcony.

4 Q. Did you have anything to drink that day?

5 A. Soda, water.

6 Q. Any alcoholic beverages?

7 A. I don't drink.

8 Q. So you came out, were you standing on the balcony when you
9 saw this or did you actually reach the - - -

10 A. No, I was on the street when I saw it.

11 Q. So when you came out, did you notice anything unusual when
12 you first came out of your room on the balcony on the
13 second floor?

14 A. Not - - I didn't pay any attention when I first came out
15 the room until I got to the stairs.

16 Q. Where are the stairs? Now let's assume the Thunderbird
17 Motel is on this corner, this is Fahm and Oglethorpe, you
18 recognize this drawing. Where are the stairs in relation-
19 ship to the - - -

20 A. At the end.

21 Q. Which end?

22 A. At the end.

23 Q. At the far end down here near Fahm Street would be the
24 steps, is that right?

25 A. No, I was there at Fahm Street, but at the end of the

1 motel there's a stairs.

2 Q. Well, all right, so you came out the stairs and where were
3 you on the street when you first noticed something?

4 A. By the office of the motel.

5 Q. The office is set back from Oglethorpe Street, isn't it?

6 A. Some.

7 Q. Were you in the office or just standing in front of the
8 office?

9 A. Standing in front of it.

10 Q. Now, did you stop and look over in the parking lot?

11 A. Yes, I - - -

12 Q. Something had attracted your attention over there, right?

13 A. Yes, when I was coming down the stairs something attracted
14 my attention, and I more like ran down the stairs to the
15 street.

16 Q. When you were coming down the stairs you could see over
17 there and you saw something was happening, and that
18 attracted your attention, so you ran on down to see what
19 it was?

20 A. Uh-huh.

21 Q. What was it that first attracted your attention?

22 A. Well, one of the black dudes ran across towards like to the
23 van, and it was more like a woman's voice that was holler-
24 ing.

25 Q. Now, one of the black dudes ran across to the van. The van

1 was parked right in front of the Burger King window, right?

2 A. Uh-huh, and they ran behind the van.

3 Q. Did you see which way he ran?

4 A. No, I did not.

5 Q. So he ran behind the van. Was the van setting right in
6 front of the drive-in window like he was picking up an
7 order of fries or whatever?

8 A. Yes, sir.

9 Q. You said the black dude, I gather you mean a black male, a
10 young male?

11 A. Yes, sir.

12 Q. He ran around -- did he get down behind the van this way?

13 A. I don't know how low he got down, that's when I was -- -

14 Q. Well, what I'm saying is, was he between the building and
15 the van?

16 A. Uh-huh.

17 Q. Okay, he was somewhere in this area, is that right?

18 A. Yes, sir.

19 Q. You he had more like a woman's voice?

20 A. ~~I heard a woman's voice scream.~~

21 Q. Did you see a woman anywhere in the parking lot?

22 A. No, I did not.

23 Q. Did you see anybody standing in front of this door?

24 A. No, sir.

25 Q. Now, what other individuals did you see in the parking lot

1 when you saw this black dude?

2 A. When I got to the street that's when I saw the police
3 officer and the three black males.

4 Q. When you got to the street, did you come down the side-
5 walk?

6 A. No, in the parking lot. There is no sidewalk.

7 Q. So you were still in the parking lot of Thunderbolt Motel?

8 A. Yes, sir.

9 Q. And you stopped at that point, didn't you?

10 A. Uh-huh.

11 Q. So you never got any closer to the parking lot than across
12 Oglethorpe, in the parking lot of Thunderbird Motel?

13 A. No closer than to the street.

14 Q. And then you saw the police officer and you said you saw
15 how many people, other black - - -

16 A. Three.

17 Q. Three more black males?

18 A. Uh-huh.

19 Q. Now, the first time when you reached the street and saw
20 them, just put a circle where you saw the policeman the
21 first time.

22 A. First time I saw the policeman he was just walking 'cross
23 the parking lot.

24 Q. All right, well, you indicated there with a little squiggle.
25 Is that - - he's walking in this direction?

1 A. Uh-huh.

2 Q. All right now, put -- where you put the three individuals
3 that you saw, just to the best of your recollection.

4 A. I put the officer just walking and I put one 'bout right up
5 in here close to the van, and one somewhere back up in here,
6 and one somewhere up in here about.

7 Q. All right, so you got three individuals. We're going to
8 call them A, B and C, and you've got the officer somewhere
9 in the middle of these three people?

10 A. Uh-huh.

11 Q. Okay, now, can you describe A, let's talk about A for a
12 minute. Can you describe him in any way?

13 A. No, I cannot.

14 Q. Was he white or black?

15 A. Black.

16 Q. He was a male?

17 A. All three were black males.

18 Q. Do you recall any clothing that he had on?

19 A. Didn't pay no attention to it.

20 Q. Okay, did you see a hat on him?

21 A. I didn't pay no attention to that.

22 Q. How about B?

23 A. I didn't pay no attention to him.

24 Q. You didn't pay any attention at all to any clothing?

25 A. No.

1 Q. Could you tell how tall he was?

2 A. No.

3 Q. C?

4 A. Yes.

5 Q. What did you -- describe C.

6 A. Black male, had a white T-shirt, and with a gun in his hand.

7 Q. A black male, white T-shirt, and a gun in his hand?

8 A. Uh-huh.

9 Q. What color pants?

10 A. Had on some -- a dark color, could have been navy or black.

11 Q. Were they long pants or short pants?

12 A. Shorts.

13 Q. Now, did the shorts go to the knee or mid-thigh.

14 A. Ain't paid no close attention to that.

15 Q. What kind of shoes did he have on?

16 A. Appeared to be tennis shoes.

17 Q. Did they appear to be low-quarter shoes like these, or high-tops?

18 A. I didn't see.

19 Q. Okay, how about the sox that he had on?

20 A. I can't say.

21 Q. Now, did he have on a hat?

22 A. I didn't pay no attention to that.

23 Q. Did you see his face?

24 A. Yes, I -- close view of it, I saw some of his face.

1 Q. Was there anything unusual about his face?

2 A. No.

3 Q. Did he have long sideburns?

4 A. No.

5 Q. Did he have any sort of facial hair?

6 A. Some, what looks like mustache.

7 Q. Very - - -

8 A. Some, I didn't pay no attention to him, narrow face. If I
9 saw him again I could identify him.

10 Q. A narrow face with a slight mustache is what your recall,
11 right?

12 A. Yes, sir.

13 Q. Anything else about his face?

14 A. Nothing but a slim face.

15 Q. I'm sorry?

16 A. He had a slim face.

17 Q. Slim face, all right. And what did you say about hi\$ hat,
18 or any hat?

19 A. I didn't pay any attention.

20 Q. Oh, didn't pay any attention. All right, when the police-
21 man approached that individual, what - - and you say he had
22 a gun in his hand. Did you see him with a gun in his hand
23 as soon as you came down on the street and saw him?

24 A. No, I did not.

25 Q. When did you see the gun?

1 A. When he went to fire at the police he raised his arm at.

2 Q. Now, he raised his arm. Which direction was that individual facing from where you were on this corner?

3 A. In front of the police.

4 Q. All right, well the police is coming, you've indicated, from the direction of the window, basically, of Burger King. He was facing in that direction, is that - - -

5 A. See he was coming from the direction of the window. I seen 6 him walking through the parking lot, what direction he came 7 from I don't know.

8 Q. What I'm asking you, please, Miss Farrell, if you'll just 9 try to tell us to the best of your recollection, the individual 10 with the white shirt that you've described, you said 11 he raised his arm and that's the first time you saw the gun, 12 right?

13 A. Yes, sir.

14 Q. Which way was he facing?

15 A. Some - - what you're saying, which way he face?

16 Q. All right, let me ask you this. You were standing here, 17 was his back toward you?

18 A. No, his side.

19 Q. His side, his right side?

20 A. (No response)

21 Q. Was it the side that he had the gun in?

22 A. Yeah, that would be his right side.

1 Q. Did he hold the gun in his right hand?

2 A. Yes, sir.

3 Q. He raised up the gun. Did you see where he got the gun
4 from?

5 A. No, I just seen him came up with it.

6 Q. When you saw the gun, describe, if you can, the gun, to the
7 best of your recollection, what you saw.

8 A. I can't describe it.

9 Q. You cannot?

10 A. Uh-uh.

11 Q. And you heard a shot?

12 A. Uh-huh.

13 Q. How many shots did you hear?

14 A. Altogether I'd say three to four shots.

15 Q. Three to four shots, now, after the first shot what did
16 this individual with the white shirt do?

17 A. He took a few steps back, then he came back forward when the
18 officer fell.

19 Q. Did you say that he'd already gotten over the wall when he
20 did that?

21 A. Yeah, he took a step back over by that wall and he stepped
22 back over and he shot him again.

23 Q. All right, then he stepped forward and he shot him how many
24 more times?

25 A. I'd say two or three times.

1 Q. Did he lean over when he shot him, or did he stand up?

2 A. He was standing up.

3 Q. Then what did he do?

4 A. He shot him.

5 Q. He shot him, and then he turned, right?

6 A. Took off running.

7 Q. Which way did he run?

8 A. He ran back 'cross Fahm Street.

9 Q. In this direction?

10 A. Uh-huh.

11 Q. All right, so you got a side view of his face at that point,
12 correct, when he ran past?

13 A. Yes, sir.

14 Q. And you got a side view of his face when he shot the police
15 officer, right?

16 A. Uh-huh.

17 Q. You never did see him face on, did you?

18 A. No, sir.

19 Q. Just like my facing you face to face, you never did see
20 that individual, did you?

21 A. No, sir.

22 Q. So all you saw was what would be part of the right side as
23 he shot the officer and part of the left side, is that
24 correct?

25 A. I saw the side view of him.

1 Q. I understand that. All right now, when he ran under these
2 trees, this - - it's a shadow in here because there are
3 some big trees, right?

4 A. Yes, it is.

5 Q. So you didn't get as good a look at his face under these
6 trees as you did when he was out here in the parking lot,
7 did you?

8 A. Well, you could say it wasn't, but it's the same person
9 under them trees that was in the parking lot.

10 Q. I understand that. What I'm saying is you did not see his
11 face as clearly here as you did there?

12 A. No.

13 Q. And he was farther from you at this point than he was at
14 this point, wasn't he?

15 A. Yes, sir.

16 Q. So the best view you got of his face was from a further
17 distance than when he ran past?

18 A. Uh-huh.

19 Q. Now, have you ever seen that individual before?

20 A. No, sir.

21 Q. Now you kept using the expression when you testified, when
22 he asked about the gunfire, "Troy did the shooting," you
23 kept using the expression, "Troy did the shooting," as if
24 you had known this individual.

25 A. Oh, his name was on the picture.

1 Q. His name was on the picture?

2 A. Uh-huh.

3 Q. When was his name on the picture, when you saw it?

4 A. The first time I seen it, or the time Detective Ramsey
5 showed it to me?

6 Q. Let's talk about the first time you saw this picture.

7 A. First time I saw it was in the detective's car.

8 Q. In the detective's car, was it that night?

9 A. No, it wasn't, it was about, I'd say, two nights after the
10 shooting.

11 Q. Now after the shooting took place, did you ever run across
12 the street and tell anybody what you saw, or did you just
13 go back in the room?

14 A. No, I waited 'til the other officers came and told them.

15 Q. And you gave a statement that night?

16 A. Yes, I did.

17 Q. Did you give them a written statement?

18 A. The lady typed it.

19 Q. Did you give them a description of the man that you saw?

20 A. Yes, I did.

21 Q. You know anything about his height, you have any idea about
22 how tall he was?

23 A. No, he's somewhat your height, a little taller.

24 Q. And his build, was he heavy-set or slender?

25 A. I'd say medium.

1 Q. Medium build?

2 A. Uh-huh.

3 Q. And was he dark complected, or - - -

4 A. Light skinned.

5 Q. Light skinned?

6 A. Uh-huh, lighter than me.

7 Q. Lighter than you, and how would you describe yourself?

8 A. As being dark.

9 Q. Dark, okay. Now, you gave the detective a statement or a
10 description of what you saw, and you said the detective
11 came around and had a picture, what did you say, a day or
12 two later?

13 A. No, he didn't - - a detective didn't come around me. A
14 detective was somewhere else and we were talking and the
15 picture was in his car, and I identified at that point.

16 Q. Let's talk about that. How did you happen to see that de-
17 tective at that point?

18 A. He was in Frazier Homes, another project, and there was a
19 lot of TRAP out there that night. I guess the night they
20 were - - one night they were looking for him.

21 Q. What night was that after the shooting?

22 A. I cannot say what night it was.

23 Q. So what happened then?

24 A. We generally was talking, had a conversation, me and De-
25 tective Wilson, and he had a picture on his seat. And I

1 identified that picture as the person that killed the
2 officer. He asked me how did I know and I told him I was
3 there. He said, "You were a witness to this case?" And I
4 said yes. He said, "You're sure this it?" I said, "Yes,
5 this is the boy that shot him."

6 Q. All right now, you said that - - how did you happen to be
7 in Detective Wilson's car?

8 A. I wasn't in his car, I was to his window.

9 Q. What were you doing to his window?

10 A. Talking to him.

11 Q. Did he call you over or you just went over and talked to
12 him?

13 A. I know Detective Wilson and he know me, and we were just
14 talking.

15 Q. Okay, did he tell you he was investigating that case?

16 A. No, he didn't, the conversation never came up about Troy,
17 wasn't nothing about him, the case or nothing. We was just
18 talking.

19 Q. Was this nighttime?

20 A. Yes, it was.

21 Q. How did you see the photograph?

22 A. He was in the parking lot right next to a light.

23 Q. Was it sitting on the seat?

24 A. Yes, it was.

25 Q. Did he tell you, "Have you ever seen this man before?"

1 A. No, he did not.

2 Q. You just happened to look down and see it?

3 A. It was sitting next to him and I saw it.

4 Q. Okay, and you said, "That's the man that did the shooting?"

5 A. Yes, I did.

6 Q. You ever seen his photograph before in the paper or anything
7 like that?

8 A. No, I did not.

9 Q. Had anyone told you that they were looking for that indivi-
10 dual?

11 A. No, they did not.

12 Q. So you went down later to the Police Department and picked
13 the same picture out again, didn't you?

14 A. No, I did not.

15 Q. What was different about the picture?

16 A. Wasn't nothing different about the picture, but the pictures
17 was brought to me.

18 Q. Okay, so they came -- did they come to your house?

19 A. Yes.

20 Q. Was the next day after you saw the picture in the car?

21 A. No, this was I'd say a week or more afterwards.

22 Q. A week or more after, now when they came and brought you
23 the pictures, how many did you say, I think it was five?

24 A. Five pictures.

25 Q. When they gave you the five pictures did they say anything

1 to you?

2 A. No, they just asked me could I identify one of these pic-
3 tures?

4 Q. And that was Detective Ramsey?

5 A. Yes, sir.

6 Q. And you went through the photographs?

7 A. Uh-huh.

8 Q. And you picked out the same picture that you saw in the
9 detective's car, right?

10 A. I don't know if it was the same picture, but it was the
11 same person.

12 Q. You're certain of that?

13 A. Positive.

14 Q. Now the person that you said that you saw and identified in
15 the picture, and the one that you said was in the parking
16 lot, you had never seen that person before?

17 A. No.

18 Q. Have you ever seen one who looked like that before?

19 A. I doubt it.

20 Q. But you never saw him face on, is that correct?

21 A. That's correct.

22 Q. The photograph that you saw in Detective Wilson's car, was
23 that a side view or was that a full face view?

24 A. A full face view.

25 Q. But that's not the view you saw that night?

1 A. No, it's not.

2 Q. And the photograph that you identified later in your home
3 when they brought you the five photographs was a full face
4 view?

5 A. Yes, it was.

6 MR. FALLIGANT: Okay. I have no further questions.

7 MR. LAWTON: Nor have I, thank you very much, Miss Farrell.

8 THE COURT: Thank you, Miss Farrell, you may leave if you wish.

9 Let me ask you gentlemen something. How much longer are
10 we going to be, because I need to make a couple of phone
11 calls. I'm not trying to hurry anybody.

12 MR. LAWTON: It's going to pick up, it should, unless Mr.
13 Falligant's - - -

14 MR. FALLIGANT: What have you got left?

15 MR. LAWTON: Just two witnesses.

16 MR. FALLIGANT: All right.

17 MR. LAWTON: Two people that he spoke to. And then I have
18 nothing after that. . . .

19 THE COURT: All right, let's take five minutes and let me make
20 a couple of phone calls.

21 THE CLERK: We're going to take a five minute recess.

22 (CASE RE-CONVENES)

23 MR. LAWTON: We'll ask Mr. Sapp to come in, whoever is around.

24 THE COURT: There are two gentlemen in my office eating pepper-
25 mint.

1 MR. LAWTON: Stand right here if you will, Mr. Sapp, and we'll
2 ask you some questions and you need to answer loud enough
3 for that microphone near that the Court Reporter is operat-
4 ing, okay. You see it right there? Be sure that can hear
5 you.

6 MR. SAPP: Here?

7 MR. LAWTON: Okay, that's fine, just speak up is the only thing.

8 DIRECT EXAMINATION OF JEFFERY SAPP BY MR. LAWTON:

9 Q. Tell us your name if you will.

10 A. Jeffery Sapp.

11 Q. And how old are you?

12 A. 21.

13 Q. Are you a resident of Savannah?

14 A. Yeah.

15 Q. Have you been all your life?

16 A. Yeah.

17 Q. Okay, do you know Troy Davis?

18 A. Uh-huh.

19 Q. How long have you known him?

20 A. 'Bout 15 or 16 years.

21 Q. You all grew up in the same neighborhood?

22 A. Yeah.

23 THE COURT: Please speak up a little bit now, we've got to hear
24 you. There isn't any point in you and me being here if we
25 can't hear each other.

1 Q. I'll ask you to direct your attention to Saturday, the 19th
2 of August of this year, and I'll ask you whether anything
3 happened in connection with this case that you can recall.

4 A. How you mean connection?

5 Q. Did you see Troy on that day?

6 A. Yeah, I seen him.

7 Q. Okay, how did you happen to see him?

8 A. Oh, he was riding the bicycle.

9 Q. What time of day was it?

10 A. 'Bout 2:00 or 3:00.

11 Q. He was riding the bicycle and where were you?

12 A. On the corner of Glenridge and Delano.

13 Q. Corner of what?

14 A. Glenridge and Delano.

15 Q. Okay, you've got to speak as clearly as you can.

16 REPORTER: Would you repeat that?

17 THE COURT: On the corner of Glenridge and Delano.

18 MR. FALLIGANT: Excuse me, you want to put that Delano, I
19 think that would help.

20 THE COURT: Don't worry, I'll give you another one.

21 Q. Okay, did he ride up to where you were?

22 A. Yeah.

23 Q. Did he say anything to you?

24 A. You know, we was talking like we usually talk.

25 Q. And what, if anything, did he say to you?

1 A. You know, he asked me did I hear about a shooting.

2 Q. And what else?

3 A. And I told him yeah, heard an officer got shot at Ogle-
4 thorpe near Burger King. Said yeah, you know, he told me
5 how it - - how it went down and everything.

6 Q. What did he say?

7 A. He said Red and another dude was arguing, right.

8 Q. And Red is who?

9 A. I don't know Red.

10 Q. Okay, he said Red and another dude were arguing?

11 A. Uh-huh.

12 Q. And what happened?

13 A. He said - - and the other dude said something to him and he
14 hit the dude in the face with the pistol.

15 Q. Who hit the dude?

16 A. Troy hit the dude in the face with a pistol.

17 Q. Okay.

18 A. And the dude ran up to Burger King window, called - - told
19 somebody to call the police. He said police ran out there
20 and they ran. Police told him to freeze and he said he
21 freeze and police reached for his revolver, Troy said he
22 shot him.

23 Q. He say anything else about it?

24 A. The man got a good look at him and he finished the job. He
25 said either him or the policeman, said it was self defense.

1 Q. So what did he say -- finished the job, what did he mean
2 by that, did you ask him what he meant by finished the job?

3 A. Uh-uh.

4 Q. Why didn't you ask him what he meant by that?

5 A. 'Cause he had a cold look on his face.

6 COURT REPORTER: Excuse me, say that again.

7 A. Cold look.

8 Q. Did he tell you anything else about what had happened?

9 A. He said it was in self defense.

10 Q. That all he told you about it?

11 A. That was it.

12 Q. You didn't ask him anything else because of his expression?

13 A. Right.

14 Q. Does Troy Davis have a nickname?

15 A. Yeah, they call him Rah.

16 Q. Call him what?

17 A. Rah.

18 Q. How you spell Rah.

19 A. R-a-h.

20 Q. What does Rah -- what does R-a-h mean?

21 A. Rough as Hell.

22 MR. LAWTON: That's all I have.

23 CROSS EXAMINATION OF JEFFERY SAPP BY MR. FALLIGANT:

24 Q. Jeffery, what do, you in school or you work somewhere?

25 A. I help my partner, he's a mechanic.

1 Q. You do what now?

2 A. I help my partner, he's a mechanic.

3 Q. Who is your partner?

4 A. Luther Doctrin (phonetic).

5 Q. Where do you live?

6 A. I live in Cloverdale.

7 Q. With your parents?

8 A. Yeah.

9 Q. So you work every day?

10 A. You know, when he get a job I work.

11 Q. You support yourself or your parents support you?

12 A. Well they help me out.

13 Q. On this day that you said you saw Troy Davis, it was about
14 2:00 or 3:00 o'clock in the afternoon?

15 A. Yeah.

16 Q. Was that in Cloverdale?

17 A. Yeah.

18 Q. What day was it?

19 A. Saturday.

20 Q. Saturday, and the shooting took place early that morning,
21 right?

22 A. Must be.

23 Q. Must have been?

24 A. When I seen him Saturday.

25 Q. And he was riding his bicycle at 2:00 or 3:00 o'clock in

1 the afternoon?

2 A. Like nothing happened.

3 Q. In broad daylight like nothing happened?

4 A. Yeah.

5 Q. And you were standing on the corner?

6 A. Uh-huh.

7 Q. And did he stop or you stopped him?

8 A. I stopped him.

9 Q. Why did you stop him?

10 A. I want to ask him something.

11 Q. Who else was there?

12 A. That was it, just me and him.

13 Q. Just the two of you?

14 A. Yeah.

15 Q. And so what did you ask him when you stopped him?

16 A. I asked him 'bout shooting around into the party.

17 Q. Shooting around where?

18 A. To the party.

19 Q. The party?

20 A. Yeah.

21 Q. There was a shooting that night in Cloverdale, wasn't there?

22 A. Yeah.

23 Q. Who was it got shot that night?

24 A. I don't know, that what I was asking him.

25 Q. What did you ask him about the shooting at the party?

1 A. Asked him did he know who done it.

2 Q. What did he tell you?

3 A. Told me he didn't know who shot 'round there.

4 Q. And did you ask him something else?

5 A. No, I stepped off and he went off.

6 Q. So that's all you all talked about?

7 A. That was it.

8 Q. I thought you just testified he told you about the police

9 officer being shot.

10 A. Yeah, he told me about that too.

11 Q. Was that before or after you asked him about the shooting

12 at the party?

13 A. That was after when he told me that.

14 Q. So how did that conversation initiate, who started that

15 conversation?

16 A. Well, you know, as we got -- kept on talking and talking

17 about the shooting, and then we led to that when they --

18 that's when he asked me 'bout did I hear about another

19 shooting.

20 Q. And what did you tell him?

21 A. Said yeah.

22 Q. Did you tell him you knew anything about it?

23 A. I ain't know nothing about it, I just, you know, know a

24 police officer was shot.

25 Q. So then he just started telling you --

1 A. He told me how it happened and everything.

2 Q. How did he start telling you how it happened?

3 A. Said Red and another dude was arguing.

4 Q. All right now, he didn't tell you who Red was?

5 A. Just said Red.

6 Q. Did he assume that you knew who Red was?

7 A. I don't know, I guess he just was calling out Red and tell-
8 ing me what would happen.

9 Q. Did he tell you what the argument was about?

10 A. Nope.

11 Q. And then he said what heppened?

12 A. Said the dude who was arguing with Red said something smart
13 to him.

14 Q. To who?

15 A. Troy.

16 Q. To Troy?

17 A. Troy said he hit him with the pistol.

18 Q. So he hit him with the pistol?

19 A. Yeah.

20 Q. Troy told you he had a pistol with him?

21 A. Yeah.

22 Q. Where did he tell you this took place?

23 A. He ain't never said.

24 Q. Then what happened, what did he tell you happened then?

25 A. He said then the man ran to the Burger King window and

1 called for help, said somebody called the police. Said the
2 police ran out the Burger King and he said he ran and the
3 police told him to freeze, he say he freeze. Police reached
4 for his revolver and Troy said he shot him.

5 Q. And he told you he shot him in self defense?

6 A. Yeah, that's what he said.

7 Q. He told you the policeman was reaching for his pistol first?

8 | A. Yep.

9 Q. You know why Troy told you this?

10 A: Me and him close.

11 Q. How close are you?

12 A. You know, we play ball together, went to school together,
13 be 'round each other now and then.

14 Q. When he told you this story, what did you do?

15 A. I ain't believed it.

16 Q. You didn't believe it?

17 A. Uh-uh.

18 Q. All right, so what -- you didn't go tell anybody?

19 A. You know, don't discuss things like that.

20 Q. How did the police find you?

21 A. I don't know.

22 Q. Did they come looking for you?

23 A. I guess he questioned 'round the neighborhood and somebody
24 told him I knew Troy, and he came and asked me.

25 Q. Did you give the police a written statement?

1 A. Yeah, I gave them a written statement.

2 Q. They wrote down what you told them?

3 A. Yeah.

4 Q. All right, you say that Rah means Rough as Hell, that's
5 Troy's nickname?

6 A. Yeah.

7 Q. Well, isn't his real nickname Raheem?

8 A. Well he had cut it short for Rah.

9 Q. Yes, Raheem is really his nickname?

10 A. Yeah, Raheem - - -

11 Q. And Rah is short for Raheem, isn't it?

12 A. Yeah.

13 Q. Rough as Hell is something you just made up, isn't it?

14 A. No.

15 Q. It sounds good, doesn't it?

16 A. No, we was calling him that on the park, you know, that's
17 what everybody start calling him.

18 Q. You don't know anything about this Red Coles?

19 A. No, I don't know.

20 Q. How about Didi?

21 A. Yeah, I know Didi.

22 Q. What's Didi's last name?

23 A. Collins.

24 Q. First name's Darrell, isn't it?

25 A. Yeah.

1 Q. How about Eric Ellison?

2 A. I know him too.

3 Q. Did you happen to see Troy Friday evening or early Saturday
4 morning, did you ever see him anywhere around the neighbor-
5 hood?

6 A. Nope.

7 Q. Do you know -- what kind of car does Darrell Collins have,
8 or Eric Ellison?

9 A. He don't have a car.

10 Q. Do you know any of Troy's friends that would have had a
11 brown Thunderbird?

12 A. Eric Ellison got a brown Thunderbird.

13 Q. So Eric Ellison's got the brown Thunderbird?

14 A. Right.

15 Q. And so you didn't believe that Troy did what he told you he
16 did?

17 A. No.

18 Q. And you said -- -

19 A. He was acting the same, you know, like he usually act. I
20 guess if you would have shot a police you'd been kind of
21 nervous.

22 Q. You would have been upset?

23 A. Yeah.

24 Q. When you said something about had to -- Troy said he shot
25 him and he had to finish the job 'cause he got a good look

1 at him?

2 A. Uh-huh.

3 Q. And you said something about had a cold look on his face.

4 You're referring to Troy's - - look on Troy's face when he
5 was telling you this story?

6 A. Yeah, it was like he was hiding something, I guess.

7 Q. Like was what?

8 A. Hiding something.

9 Q. Hiding something?

10 A. Protecting somebody I guess.

11 Q. Okay, protecting somebody?

12 A. You know, like he was saying, "Don't ask me no more about
13 this here."

14 Q. And you didn't ask him - - -

15 A. And I didn't either.

16 Q. And you didn't report this to anybody?

17 A. Uh-uh, go on about my business.

18 Q. And you didn't believe him?

19 A. I ain't believed it.

20 MR. FALLIGANT: I have no further questions.

21 Well, oh, but - - well, strike that, I won't ask that

22 MR. LAWTON: Nothing more, thank you, Your Honor.

23 THE COURT: All right, you can leave if you wish.

24 MR. LAWTON: Thank you, Mr. Sapp, if you'll call in Mr. Holmes.

25 Certificate of Death and an Autopsy Report.

1 THE COURT: Let's let Mr. Falligant look at them. . . .

2 MR. FALLIGANT: Could I get copies of these?

3 MR. LAWTON: I brought you a copy.

4 MR. FALLIGANT: Thank you.

5 MR. LAWTON: So if we can have the ones that the Judge is
6 holding marked. You finally got here. Have you been sworn?

7 THE CLERK: Yes, he's been sworn.

8 MR. LAWTON: May we go ahead, Your Honor.

9 THE COURT: Yes, sir.

10 DIRECT EXAMINATION OF MONTY HOLMES BY MR. LAWTON:

11 Q. Mr. Sapp, if you'd state your name, please - - I mean, I'm
12 sorry, Monty Holmes, Mr. Holmes.

13 A. Monty Holmes.

14 Q. You're going to have to speak up loud enough for the micro-
15 phone there to pick you up.

16 A. Monty Holmes.

17 Q. And how old are you, Mr. Holmes?

18 A. 20.

19 Q. 20?

20 A. Yes.

21 Q. Are you in school?

22 A. No, not at the moment.

23 Q. Have you recently been?

24 A. Yeah, I've been to college in California.

25 Q. College in California?

1 A. Uh-huh.

2 Q. And you recently returned to Savannah?

3 A. Yes, from Atlanta.

4 Q. I'm sorry, okay, you said you'd been to Atlanta?

5 A. Uh-huh.

6 Q. After you were at school in California?

7 A. Right.

8 Q. And you had recently returned to Savannah from Atlanta?

9 A. Right.

10 Q. When did you get back here?

11 A. Thursday.

12 Q. Thursday, what day?

13 A. Thursday night.

14 Q. Thursday, what - - -

15 A. I can't remember the date but it was Thursday before,
16 you know - - -

17 Q. Thursday before the shooting, is that right?

18 A. Right.

19 Q. Do you know Troy Davis?

20 A. Yes.

21 Q. How long have you known him?

22 A. A while, we grew up together.

23 Q. You've known him since childhood?

24 A. Yes.

25 Q. Does he have a nickname?

1 A. The kids call him Rah.

2 Q. Rah?

3 A. Yeah.

4 Q. R-a-h?

5 A. Yeah.

6 Q. What's that stand for?

7 A. Rough as Hell.

8 COURT REPORTER: Can you speak a little louder, please?

9 A. Rough as Hell.

10 Q. Let me ask you to direct your attention to the Saturday
11 after the Thursday you've just mentioned. In other words,
12 that would be Saturday, the 19th of August.

13 A. Right.

14 Q. Of this year, right?

15 A. Uh-huh.

16 Q. And did you see Troy on that day?

17 A. Yeah, he came to the house, you know, telling me what had
18 happened, you know.

19 Q. Okay, came up to your house?

20 A. Right.

21 Q. Was he just visiting or did he have some other purpose for
22 being there?

23 A. Well, he just visiting, you know, you know, cause he hadn't
24 seen me, you know.

25 Q. 'Cause he hadn't seen you?

1 A. Yeah.

2 Q. You need to speak up.

3 A. He was just visiting.

4 Q. And when he got to your house what did you all talk about?

5 A. No, we was just talking, you know, 'bout things

6 mentioned the shooting.

7 Q. He did or you did?

8 A. He did.

9 Q. He mentioned the shooting?

10 A. Yeah, I didn't know anything about it.

11 THE COURT: Speak up, please.

12 A. I didn't know anything about it, you know.

13 Q. What did he say about it?

14 A. He said that him and some guys got in a quarrel in Yamacraw,

15 and the cop came out; he shot him in self defense. He got

16 him before him, you know, 'cause the cop - - he said the

17 cop was pulling out the gun, so he got the cop before, you

18 know - - -

19 Q. He said the cop did what?

20 A. The cop was going to pull out his gun.

21 Q. Was going to pull out his gun?

22 A. Yes, had his hand on his gun. Like he was saying he was going

23 to shoot the cop before the cop got him. Saying he shot

24 him first but the way he was laughing, you know, I mean,

25 he was joking about it. I wouldn't think he would, you

1 know, kill a cop. But the Troy I do know wouldn't kill no
2 cop.

3 Q. But he told you that he did, is that right?

4 A. Right, but, you know, he jokes a lot -- jokes a lot.

5 Q. Did he say anything to you about how it was done or how
6 many times he shot?

7 A. Well he said after he shot the first time, you know, he
8 finished the job.

9 Q. Speak up and say that again.

10 A. After he shot the first time he just finished the job.

11 Q. Did he say how he finished the job, what he meant by that?

12 A. I guess he shot again.

13 Q. Did he say what position the police officer was in when he
14 shot him again?

15 A. Uh-uh, just like I said, the way he was joking about it,
16 you know, 'cause I know Troy for joking, I don't think he
17 would have shot a cop.

18 Q. Okay, but he told you that he did, right?

19 A. Uh-huh.

20 Q. And up to that time you had not heard of him being shot?

21 A. I hadn't heard anything until, you know, he came about.

22 Q. Did he tell you where the police officer came from onto the
23 scene, did he tell you where it happened?

24 A. He said it happened in the parking lot.

25 Q. Parking lot of where?

1 A. Of Burger King.

2 Q. And did he say where in the parking lot he was or what he
3 was doing there, whether he was doing hand springs or
4 running away, or reading a book or - - -

5 A. He didn't say that, he didn't tell me all that.

6 Q. Okay, did he say where the police officer came from?

7 A. No, he didn't tell me that either.

8 MR. LAWTON: I don't have anything else.

9 CROSS EXAMINATION OF MONTY HOLMES BY MR. FALLIGANT:

10 Q. Mr. Holmes, you say you were in California going to school?

11 A. Yes.

12 Q. Where did you go to school in California?

13 A. Barclay College.

14 Q. Barclay?

15 A. Yes.

16 Q. What were you taking out there?

17 A. Word processing.

18 Q. Word processing, all right. And then you left California
19 and went to Atlanta?

20 A. Uh - - yeah, I went to Florida, then Atlanta, moved to
21 Atlanta.

22 Q. What were you doing in Florida?

23 A. Construction.

24 Q. And what were you doing in Atlanta?

25 A. Nothing, I just went up there, you know, visiting my brother.

1 Q. How are you supporting yourself?

2 A. I was -- my parents were supporting me at the time, until

3 I got a hold to, you know, better job.

4 Q. When you came back to Savannah you said it was a Thursday

5 before the shooting?

6 A. Right.

7 Q. Where were you staying in Savannah?

8 A. In Cloverdale.

9 Q. With your parents?

10 A. Yes.

11 Q. And how long have you actually known Troy Davis?

12 A. You know, we growing up together.

13 Q. How did he know you were back in town?

14 A. Well, that's -- that's his -- I mean, well if I do come

15 back to town I will, you know, I call him or something,

16 you know.

17 Q. When it he came by and talked to you?

18 A. It was Saturday around, I think about 12:00.

19 Q. 12:00 o'clock Saturday?

20 A. Yeah.

21 Q. How did he come over to your house?

22 A. It was on a bicycle.

23 Q. It was a bicycle, you're sure of that?

24 A. Yeah.

25 Q. Had you seen him before you got back to town on Thursday,

1 from Thursday until Saturday about 12:00, had you seen him
2 any time between that?

3 A. Uh-uh.

4 Q. So he came over, I guess just to renew acquaintances with
5 you and ask you how you'd been, is that right?

6 A. Yeah.

7 Q. And then you all started talking and you said that he men-
8 tioned the shooting?

9 A. Right.

10 Q. And you said you didn't know anything about it?

11 A. Right.

12 Q. You hadn't seen anything on TV about it?

13 A. Right.

14 Q. And read it in the newspaper?

15 A. Right.

16 Q. And when he started telling you about the shooting, how did
17 he start talking about it?

18 A. Just way of like he's joking like, had me think -- I said
19 man, to myself -- I know Troy, you know, I was saying now,
20 "Now, he's just -- Troy lying," that's what I'm thinking,
21 you know, 'Cause the Troy I know, did know wouldn't kill no
22 cop, you know.

23 Q. Can you tell when Troy's lying or joking, or putting you on?

24 A. Well, the way he was saying it just seemed like he was
25 just -- -

1 Q. Well how was he saying it, describe how he was telling what
2 he was telling.

3 A. I mean, you know, just like he say he had shot a cop, but
4 he was just, you know, laughing, you know, joking about it,
5 'cause, you know, I'm always smiling, you know, at him, so

6 - - -

7 Q. Did he tell you - - first I think you said that he said
8 there was an argument - - -

9 A. Right.

10 Q. - - - in Yamacraw.

11 A. Right, he said he had a little quarrel.

12 Q. So he got in a little quarrel in Yamacraw - - -

13 A. Right.

14 Q. - - - and he shot the policeman in self defense?

15 A. Right.

16 Q. And he said he shot the policeman in Burger King.

17 A. Right.

18 Q. Did he tell you any of the details about it?

19 A. No.

20 Q. Did he tell you who else was there?

21 A. He said Red and - - Red and Didi Collins.

22 Q. Do you know Red?

23 A. No, I don't know him.

24 Q. And you know Didi Collins, or Darrell Collins?

25 A. Yeah, I know him.

1 Q. And after he told you that story, what did he do?

2 A. And then left on the bicycle.

3 Q. Did you go tell anybody, did you call the police and report

4 this?

5 A. No, 'cause I thought he was just joking and I didn't believe it

6 'cause I know the Troy I know wouldn't have killed no cop.

7 Q. So how did the police find you?

8 A. I don't know, I don't have the slightest idea.

9 Q. Did you tell anybody else what Troy had told you?

10 A. No.

11 Q. Who was home at your house when he came by?

12 A. Just me, and my folks was -- my mom and my dad was in the

13 back, I can't remember all though.

14 Q. Did your daddy see him come in?

15 A. No, we was in the front yard.

16 Q. Oh, your daddy was in the front yard?

17 A. I was in the front yard, my folks was in the house.

18 Q. Do you know anybody that saw him over at your house at that

19 time of day?

20 A. No.

21 Q. How long did he stay?

22 A. Not too long, 'bout a couple of minutes. . . .

23 Q. But you - - -

24 A. I went in the house to take a shower.

25 Q. You know where he went when he left your house?

1 A. No.

2 Q. Do you know anything about a party in Cloverdale that night?

3 A. No.

4 Q. Do you know anything about a shooting in Cloverdale that
5 night?

6 A. Uh-uh.

7 MR. FALLIGANT: Okay. I have no further questions.

8 MR. LAWTON: Just a few quick questions, if you will.

9 RE-DIRECT EXAMINATION OF MONTY HOLMES BY MR. LAWTON:

10 Q. You have basically told to the police what you have just
11 said here before, have you not?

12 A. Right.

13 Q. About your conversation with Troy?

14 A. Right.

15 Q. How many times have you spoken to the police and told them
16 about this conversation?

17 A. Like the policemen, like when they come out of Cloverdale,
18 you know, they asked me, you know, and I told them the
19 same thing. I told Detective Oglesby and Ramey the same
20 thing too.

21 Q. Okay, so you told them once down in Cloverdale?

22 A. And twice -- when they brought me in. . . .

23 Q. And then another time when they brought you into the police
24 station?

25 A. Right.

1 Q. And you gave them a statement that they wrote down, is that
2 right?

3 A. Right.

4 Q. You knew they were writing it down when you did that, I
5 mean, you knew this was a statement you were giving to the
6 police for use in this case, didn't you?

7 A. Right.

8 Q. Okay, and so then you told this same -- you told of these
9 same events recently in a conversation with me, right, and
10 some other police officers, am I right?

11 A. Right.

12 Q. And you've known Troy all your life?

13 A. Well, I known him -- -

14 Q. Since a young ---

15 A. Yeah, I know him.

16 Q. Have you also known members of his family?

17 A. Yes.

18 Q. Of all the statements you've given before today, have any
19 members of his family been present when you have told about
20 this conversation?

21 A. How do you mean, you're saying -- -

22 Q. Have any members of his family been present when you told
23 about this conversation to the police or to me?

24 A. Uh-uh.

25 Q. No, okay. Today you testified that the Troy that you knew

1 you would not expect to do something like shoot a police
2 officer?

3 A. Right.

4 Q. Okay, but that's something that you never told to the police
5 or to me before now, is that right?

6 A. Well, I told the detectives that, you know, Oglesby and
7 Ramey, 'cause when they come back to me I said, "Well,
8 the Troy I did know wouldn't kill no cop," you know, 'cause
9 me and him grew up together.

10 Q. And you do notice that members of Troy's family are here in
11 the courtroom today, don't you?

12 A. Yes.

13 MR. LAWTON: Okay. I don't have any other questions. Thank
14 you very much.

15 RE-CROSS EXAMINATION OF MONTY HOLMES BY MR. FALLIGANT:

16 Q. So you told the police that the Troy you knew wouldn't do
17 that?

18 A. Right.

19 Q. You said his nickname Rah meant Rough as Hell?

20 A. Right.

21 Q. You ever heard of his nick - - his name - - -

22 A. I was just kid - - you know, I - - -

23 Q. Was that something you hung on him?

24 A. I mean that's some - - a name that people have gave him.

25 Q. But he has never called himself that?

1 A. No, no.

2 Q. You ever heard the name Raheem, R-a-h-e-e-m?

3 A. Uh-uh.

4 Q. You never heard that name?

5 A. Uh-uh.

6 MR. FALLIGANT: Okay. I have no further questions.

7 MR. LAWTON: I don't need to -- thank you very much, Mr. Holmes.

8 THE COURT: All right, Mr. Holmes, thank you, you may leave if
9 you wish. All right, gentlemen, anything else?

10 MR. LAWTON: Has the autopsy report been marked?

11 THE COURT: Yes.

12 MR. LAWTON: We tender this into evidence.

13 THE COURT: I'm assuming that Mr. - - -

14 REPORTER: I haven't marked it yet.

15 MR. LAWTON: I just want to be sure.

16 THE COURT: I think we want this waiver as part of the record,
17 do we not?

18 MR. LAWTON: Certainly, yes. Would there be any necessity to
19 read from the autopsy report and establish for the record what
20 the - - we stipulate that?

21 MR. FALLIGANT: I will stipulate that for the purpose of this
22 hearing only.

23 THE COURT: All right, gentlemen, anything further?

24 MR. FALLIGANT: Not from me.

25 MR. LAWTON: I have nothing, Your Honor.

THE COURT: All right sir, let's go home.

MR. LAWTON: May we know what the Court intends to do, Your Honor?

THE COURT: Oh, yes, we do, as a matter of fact. I intend to bind it over to Superior Court.

END OF PROCEEDING.

1 C E R T I F I C A T E
2

3 I hereby certify that the foregoing one hundred eighty-
4 five pages of typewritten material were taken down and tran-
5 scribed under my supervision, and that the same contain a
6 true and correct transcript of said proceeding.

7 I further certify that I am a disinterested party to
8 this action, and that I am not of kin nor counsel to any of
9 the parties hereto.

10 This 30th day of October, 1989.

11
12 
13 EDMUND W. RUCHALSKI
14 Certified Court Reporter B-538
Notary Public